

Key Features - “Working for America Act”

Purpose: To ensure agencies are equipped to better manage, develop, and reward employees to better serve the American people

Coverage: Title 5 agencies; generally excludes intelligence agencies, financial regulatory agencies, government-controlled corporations, foreign service employees and certain others from the pay, classification, and appraisal systems.

Results-Driven, Market-Based Compensation

- Comprehensive performance management structure
 - OPM is gatekeeper for agency performance systems
 - Employees involved in developing written performance expectations; supervisors provide timely feedback and are accountable for performance management
 - Supervisors must take action on poor performance
 - No ratings quotas, no prescribed performance improvement period
- Core classification system
 - Current white and blue collar pay systems replaced in 2010 with “pay bands” - occupation groups typically with four levels (entry, full performance, senior expert, supervisory)
 - Collective bargaining policies relative to job classifications remain unchanged. Agencies would be required to develop implementation directives through continuing collaboration with unions.
 - OPM may approve alternative systems but requires agency to “meet and confer” with labor organizations with national consultation rights
- Core pay system
 - National increase varies by occupation group and band based on national labor market rates – for those fully successful or better
 - Locality increase varies by occupation group, band, and location based on local labor market rates – for those fully successful or better
 - Performance increase based on employee shares (rating level) of a pay pool (funds formerly used for step increases, quality step increases, promotions)
 - Authorizes other special pay supplements and preserves firefighter pay, hazardous duty pay, physician’s comparability allowance
 - Allows scientific/technical experts and senior level employees access to Senior Executive Service pay limit if OPM approves more rigorous appraisal system

Staffing Modernization

- Simplifies appointment types, allows OPM to create appointment authorities
- Allows agencies to hire faster by limiting selection to the local commuting area

Labor and Employee Relations

- Retains nearly all collective bargaining rights and obligations
- Allows management to prepare for, practice for, prevent an emergency without bargaining
- Removes minor matters from bargaining
- Codifies existing case law: prevents reversal of agency actions under very limited circumstances when it would harm mission, budget, or public interest
- Requires Federal Labor Relations Authority to streamline dispute resolution
- Raises standard for agency proof for performance-based actions
- Allows Merit Systems Protection Board (MSPB) to mitigate penalty for misconduct, poor performance only if penalty “totally unwarranted” (case law language)
- Allows MSPB to render summary judgment where facts not in dispute

Effective Date: 180 days after enactment